

REMARKS

Claims 1-13 are currently being examined in this application, and stand rejected. Claim 1 is an independent claim in this pending application, with claims 2-13 depending directly or indirectly from claim 1. The applicant respectfully submits that no new matter has been added, and it is believed that these amendments are fully responsive to the Office Action dated **November 13, 2008**.

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Fukuda Yuchi (JP-11-282775) in view of Christmas (U.S. Patent No. 6,085,084). The applicants respectfully request reconsideration of this rejection.

As an initial matter, the Office Action states, "This application currently names joint inventors." (Page 2, last paragraph). However, The Applicant notes that only one inventor (Kenji Yamaguchi) is named. As such, the assertion by the Office Action is inapplicable to the present application.

The regarding the merits of the outstanding rejection, the position of the Office Action is set forth beginning on page 2, line 8. This position may be summarized that Fukuda Yuchi discloses each and every element of the presently claimed invention, except for the creation of a list. For the creation of a list being within the field of the present invention, the Office Action cites Christmas.

However, this combination of references does not render these claims obvious, because Fukuda Yuchi fails to perform a number of key elements of claim 1.

First, Fukuda Yuchi does not recite, or suggest, a command interpreting unit that extracts and interprets a specific command to be for target list creation following the command declaration, wherein the command declaration is included in a received mail. More particularly, the actions preformed by the Fukuda Yuchi reference are not predicated on a command to create a list of any kind, let alone the target list creation being the specific command as required in claim 1, line 6. This particular element of claim 1 recites that the creating unit must be able to create a list of corresponding targets in memory if the specific command of target list creation is received by the creating unit.

Fukuda Yuchi suggests no such possibility, which has been acknowledged by the present Office Action. Fukuda Yuchi instead only speaks to generic body text being included in the body of its command E-mail (See paragraph 41).

Further, the invention of Fukuda Yuchi does not generate or change the data of the email body, let alone a created list, by the creating unit. Instead, Fukuda Yuchi relies upon the input of the user as the sole method of manipulating the data, with the other means of the invention only executing the specific command of the user. This is buttressed by the fact that the reference suggests that no data is actually created.

Second, claim 1 recites that if the specific command is interpreted as target list creation, that the creating unit will be able to create a list of corresponding targets in memory of the terminal device. Fukuda Yuchi differs substantially regarding this function of the present invention. In paragraphs 0036 and 0037 of Fukuda Yuchi, the first embodiment discloses a user determining whether a command declaration is included in a received mail, not a judging unit (See paragraph 0036). Further, nowhere in Fukuda Yuchi is a list created, which is acknowledged by the present Office Action on page 4, lines 5-8.

Third, the requirement that the invention creates and transmits a mail having the list, which is created by the creating unit as a mail main body and addressed to a requestor, is not disclosed. Particularly, the reference does not speak to a list, that list being created, not being the list part of the main body.

Moreover, while the secondary reference, Christmas, may disclose the creation of a list, Christmas does not disclose the other elements of claim 1 not supported by Fukuda Yuchi. Particularly, the Christmas patent does not speak to creating a mail or positioning the list as being the body of the mail. As such, a person having ordinary skill in the art would not understand the cited references to disclose a device that allows a user to efficiently retrieve necessary information from the outside, whether that be incoming mails, photographs, or the like.

Thus, Christmas does not cure the aforementioned deficiencies of Fukuda Yuchi listed above. More particularly Christmas does not recite creating any data, placing its list in a

particular portion (body portion) of a created electronic message, nor does Christmas suggest utilizing electronic mail as its carrier of data.

More particularly, Christmas does not disclose the following elements, as found within claim 1:

First, Christmas does not disclose a specific command following a command declaration, which is included in a received mail, being interpreted as target list creation. Christmas does not teach the command being an email, but does disclose a specific command to create a target list following a command declaration.

Second, Christmas does not disclose if the specific command is interpreted as the target list creation, then creating a list of corresponding targets in memory of a terminal device.

Third, Christmas does not disclose creating and transmitting a mail having the list, which is created by a creating unit, where the list is a mail main body and addressed to a requestor. This reference does not speak to creating a mail, or where this list should go within said mail.

In view of the above, withdrawal of the outstanding rejection under 35 U.S.C. § 103(a) is in order, and is respectfully solicited.

U.S. Patent Application Serial No. **10/562,912**
Response filed February 10, 2009
Reply to OA dated November 13, 2008

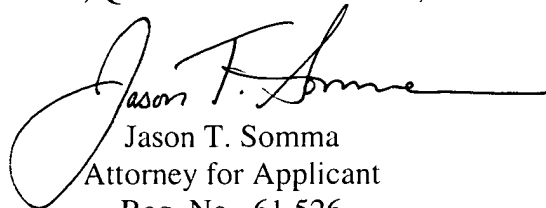
In view of the foregoing remarks, Claims 1-13 are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP


Jason T. Somma
Attorney for Applicant
Reg. No. 61,526

JTS/

Atty. Docket No. **050827**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930 ext. 211



23850

PATENT & TRADEMARK OFFICE